

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY ZAMORA, JR.,
Plaintiff,
v.
SCOTT JONES,
Defendants.

No. 2:14-cv-2731 KJN P

ORDER

Plaintiff is presently housed in the Napa State Hospital. Plaintiff is proceeding without counsel, or “pro se,” with a civil rights action pursuant to 42 U.S.C. § 1983. On December 3, 2014, plaintiff was directed to submit, within thirty days, an affidavit in support of his request to proceed in forma pauperis, or to pay the required \$400.00 in filing fees. On December 30, 2014, plaintiff filed an application to proceed in forma pauperis, but the certificate portion of the application was not certified by jail or Napa State Hospital officials. Plaintiff also did not file a certified trust account statement by jail or Napa State Hospital officials.

At the time plaintiff filed this action, he was housed in the Sacramento County Jail. In his first amended complaint filed December 8, 2014, plaintiff noted he had been transferred to the Napa State Hospital. It is unclear whether plaintiff is a pretrial detainee, awaiting trial on criminal charges, whether plaintiff has been newly convicted or sustained a parole violation, or whether plaintiff has been detained for other reasons. For example, a civil detainee is not subject

1 to the financial reporting and exhaustion requirements of the Prison Litigation Reform Act
2 (“PLRA”). Page v. Torrey, 201 F.3d 1136 (9th Cir. 2000), citing 42 U.S.C. § 1997e(a); 28
3 U.S.C. § 1915(a)(2). However, at a minimum, plaintiff’s application to proceed in forma
4 pauperis must be certified by officials at the Napa State Hospital. If plaintiff is not a civil
5 detainee, he must also provide a certified trust account statement for the six month period
6 immediately preceding the filing of the complaint. See 28 U.S.C. § 1915(a)(2). Plaintiff will be
7 provided the opportunity to submit the completed application and, if applicable, the certified copy
8 of his trust account statement in support of his application to proceed in forma pauperis.


9 In accordance with the above, IT IS HEREBY ORDERED that:

10 1. Plaintiff shall submit, within thirty days from the date of this order, the certification
11 required on the application form, and, if applicable, a certified copy of his trust account statement
12 for the six month period immediately preceding the filing of the complaint. Plaintiff’s failure to
13 comply with this order will result in a recommendation that this action be dismissed without
14 prejudice.

15 2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In
16 Forma Pauperis By a Prisoner.

17 Dated: January 8, 2015

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE